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Robert F. Chisholm
Amersham Biosciences
800 Centennial Avenue
Piscataway, NJ 08855

In re Application of
HARLING, Earl, et al.

Application No.: 10/009,990

PCT No.: PCT/GB00/02226

Int. Filing Date: 08 June 2000

Priority Date: 08 June 1999

Attorney Docket No.: NIDN-73132

For: VENTILATION SYSTEM

DECISION ON

PETITION UNDER

37 CFR 1.47(a)

This is a decision on applicants' "Renewed Petition Under 37 C.F.R. 1.47(a)" filed in the United States Patent and Trademark Office (USPTO) on 30 June 2003.

BACKGROUND

On 08 June 2000, applicants filed international application PCT/GB00/02226, which claimed a priority date of 08 June 1999. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 14 December 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 27 October 2000, within nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 10 December 2001 (08 December 2001 was a Saturday).

On 07 December 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 09 April 2002, the Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 11 September 2002, applicants submitted a petition under 37 CFR 1.47, which was accompanied by, *inter alia*, a petition for a three-month extension of time; a declaration executed by three of the six inventors; a statement by Robert Chisholm; certified mail receipts and copies of the letters to the non-signing inventors.

On 30 December 2002, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing applicants' petition without prejudice.

On 30 June 2003, applicants submitted the instant renewed petition accompanied by a petition for a four month extension of time, the fee for a four month extension of time, and a declaration executed by the previously non-signing inventors.

DISCUSSION

The declaration submitted on 30 June 2003 in combination with the declarations from 27 November 2002 comply with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**.

The application has an international filing date of 08 June 2000 under 35 U.S.C. §363 and a date of 30 June 2003 under 35 U.S.C. §371. This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing.



Richard Cole
PCT Legal Examiner
PCT Legal Administration



Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: (703) 305-0455
Facsimile: (703) 308-6459